

MEMORANDUM FOR: Deputy Chief, ISD

SUBJECT: Appeal/Litigation Input for CY 1987 Annual FOIA Report to Congress

1. The following is a summary of the appeal/litigation data for the Annual FOIA Report to Congress:

- (Para 1.) Number of FOIA cases in which requesters appealed on the basis of failure to respond within the statutory deadline: 2
- (Para 1.) Number of FOIA cases (initial) which went directly into litigation: 4
- (Para 3 a.) Total number of FOIA administration appeals from adverse initial decisions made pursuant to subsection (a)(6): 143
- (Para 3 a.) Number of cases initially processed under PA but processed under FOIA on appeal: 0
- (Para 3 b.) Number of FOIA appeals which were granted in full (GIF): None
- (Para 3 c.) Number of FOIA appeals which were denied in full (DIP): 60
- (Para 3 d.) Number of FOIA appeals which were granted in part (GIP): 15
- (Para 4 a.) Authority relied upon for each such appeal determination:

| | |
|-------------|------------|
| (b)(1) - 70 | (b)(6) - 5 |
| (b)(2) - 1 | (b)(7) - 5 |
| (b)(3) - 71 | (b)(8) - 0 |
| (b)(4) - 0 | (b)(9) - 0 |
| (b)(5) - 4 | |

(Para 5.) Names and titles of FOIA appeal denying officials responsible for appeal denials, and number of instances of participation of each:

| | | | |
|---------------------|-------|---------|----|
| Keer, Richard | (RJK) | DDI | 26 |
| Hineman, Richard E. | (REH) | DDS&T | 5 |
| George, Clair E. | (CEG) | DDO | 52 |
| Donnelly, William F | (WFD) | DDA | 4 |
| David P. Doherty | (DPD) | DCI/OGC | 1 |
| Hauver, Carroll L. | (CLH) | IG | 4 |

(Table: "Production/Workload Statistics")

| | <u>FOIA</u> | <u>PA</u> | <u>EO</u> | <u>TOTALS</u> |
|------------------|-------------|-----------|-----------|---------------|
| Early Appeal | 2 | 0 | 0 | 2 |
| Early Litigation | 4 | 2 | 0 | 6 |

2. Tab A (attached) consists of an excerpt from CY 1986 Report, annotated to show CY 1987 data. Tab B (attached) consists of computer printout upon which the appeal/litigation data provided in this memo are based.

29 January 1988

(b) Statutes invoked pursuant to Exemption No. 3:Statutory citationNumber of times (i.e., requests) invoked50 U.S.C. 403 (d) (3)
and/or 50 U.S.C. 403g~~792~~ 613(c) Other authority: None3. Appeal Determinations:(a) Total number of administrative appeals from adverse initial decisions received in 1986 made pursuant to subsection (a) (6): ~~95~~ ⁷⁸ 143

In six other cases, requests which were initially processed under the provisions of the Privacy Act were processed under the Freedom of Information Act upon appeal, in accord with the wishes of the appellants. These were requests for access to personal records, which the CIA usually processes under the Privacy Act rather than the Freedom of Information Act.

(b) Number of all appeals closed in 1986⁷ in which, upon review, request for information was granted in full: ~~None~~ None(c) Number of all appeals closed in 1986⁷ in which, upon review, request for information was denied in full: ~~73~~ 60(d) Number of all appeals closed in 1986⁷ in which, upon review, request was denied in part: ~~22~~ 154. Authority relied upon for each such appeal determination:(a) Exemptions in 552(b):Exemption invokedNumber of times (i.e., appeals) invoked

(b) (1)
(b) (2)
(b) (3)
(b) (4)
(b) (5)
(b) (6)
(b) (7)
(b) (8)
(b) (9)

~~88~~ 70
2
~~93~~ 71
0
1
~~10~~ 4
5
0
0

(b) Statutes invoked pursuant to Exemption No. 3:

| <u>Statutory citation</u> | <u>Number of times (i.e., appeals) invoked</u> |
|--|--|
| 50 U.S.C. 403(d)(3) and/or 50 U.S.C. 403g | 93 71 |

5. Names and titles of those persons who, on appeal, were responsible for the denial in whole or in part of records requested and the number of instances or participation of each:

| | <u>Name</u> | <u>Title</u> | <u>No. of instances of participation</u> |
|------|----------------------|--|--|
| STAT | Donnelly, William F. | Deputy Director for Administration | 8 4 |
| ✓ | Kerr, Richard J. | Deputy Director for Intelligence | 21 26 |
| ✓ | Hauver, Carroll L. | Inspector General | 7 4 |
| ✓ | George, Clair E. | Deputy Director for Operations | 66 52 |
| ✓ | Hineman, Richard I. | Deputy Director for Science and Technology | 6 5 |

STAT *Daniel P. Doherty*
 6. Provide a copy of each court opinion or order giving rise to a proceeding under subsection (a)(4)(F), etc.: None

7. Provide an up-to-date copy of all rules or regulations issued pursuant to or in implementation of the Freedom of Information Act (5 U.S.C. 552):

STAT [redacted] submitted with the 1983 report is still valid.

8. Provide separately a copy of the fee schedule adopted and the total dollar amount of fees collected for making records available:

See Tab B for a copy of the fee schedule.

The total amount collected and transmitted for deposit in the U.S. Treasury during 1986 was \$4877.20.

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